

BURNING

CECIL TOWNSHIP, WASHINGTON COUNTY, PA

ORDINANCE NO. 8-2004

AN ORDINANCE OF CECIL TOWNSHIP, WASHINGTON COUNTY, PA, PROVIDING FOR AND REGULATING THE USE OF OPEN FIRES AND BURNING BY THE ESTABLISHMENT OF SPECIFIC REGULATIONS, EXCEPTIONS, AND DEFINITIONS DESIGNATING AND PRESCRIBING ENFORCEMENT OF AND PENALTIES FOR VIOLATION.

SECTION 1. TITLE

1.1 This ordinance shall be known as the **Cecil Township Burning Ordinance** and is intended to regulate or prohibit burning.

SECTION 2. DEFINITIONS

2.1 **AIR CURTAIN DESTRUCTOR.** A mechanical device, which forcefully projects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and smoke and other particulate matter, are contained. The type of parameters of this device to be utilized in Cecil Township shall be at the sole discretion of the Township Officials.

2.2 **BURNING PERMIT.** A permit to kindle or maintain such open fires or other non-exempt fires that are otherwise prohibited by this ordinance. The Township Manager upon application thereof made to the Manager or a designated person, shall issue the permit for the Board of Supervisors. A Burning Permit is valid for one (1) calendar day only. A fee for each Burning Permit, as established by the Board of Supervisors and contained within this ordinance, shall be charged. This fee may be adjusted from time to time by Resolution of the Board of Supervisors. A burning permit shall be required for all fires not listed as exempt under *Section 5*.

2.3 **CONTAINED FIRE.** Any fire contained in an incinerator, fireplace or other outdoor enclosure designed for outdoor cooking or recreation or any fireproof container used for disposal of paper products. Every contained fire shall be built in and confined to a non-combustible container covered with a screen of 1/2 inch or smaller mesh, or with other suitable non-combustible cover.

2.4 **CONTROLLED FIRE.** Any fire not included in the definition of "Contained Fire" and under reasonable control of a competent adult.

2.5 **COMMERCIAL WASTE.** Any waste generated by normal commercial business activities normally associated with waste removal services including but not limited to garbage, empty cans and buckets, plastic wraps and bags, paper products, pallets, empty boxes, excelsior, etc.

2.6 EXEMPT FIRE. Any fire which is exempt from the burning regulations and which may be kindled on any day at any time.

2.7 FURNACE. Any enclosed device specifically designed for burning any material for the production of heat.

2.8 GARBAGE. Any putrescible animal or vegetable matter resulting from the handling, preparation, cooking and consumption of food.

2.9 HOUSEHOLD WASTE. Any waste generated by normal household activities normally associated with waste removal services including but not limited to garbage, empty cans, plastic wraps and bags, paper products, glass jars etc.

2.10 INCINERATOR/NONCOMBUSTIBLE CONTAINER. Any device specifically designed for the destruction, by burning, of refuse or any combustible material.

2.11 LEAVES. Leaves normally gathered by raking, vacuuming, blowing or other methods that have fallen from trees due to seasonal change or death of a tree.

2.12 LEGAL HOLIDAY. Days which Cecil Township has designated as Legal Holidays: New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, Easter.

2.13 OPEN FIRE. A fire in which any material is burned in the open or in a receptacle other than a furnace, incinerator or non-combustible container as described under the "CONTAINED FIRE" definition.

2.14 PERSON. Any individual, partnership, association, corporation, department, bureau, agency or legal entity.

2.15 PUTRESCIBLE. Any organic material which is subject to rotting decay.

2.16 RECREATIONAL FIRE. Any fire used in connection with camping, cooking, picnicking, or other commonly accepted recreational activity and shall not include the mere burning of logs, trees, lumber or other such materials. Recreational fires must be clearly used for said purpose at the time of observation and may only be kindled with seasoned wood, charcoal or other manmade material expressly for use in recreational fires.

2.17 REFUSE. Garbage, rubbish and trade waste.

2.18 RESIDENTIAL BURNING. Fires kindled by the owner / occupant of a residential property not incidental to land development.

2.19 RESPONSIBLE ADULT. An individual 18 years or older who is not under the influence of drugs or alcohol or suffering from any other disability which would impair his or her ability to properly supervise a fire.

2.20 RUBBISH. Solids not considered to be highly flammable or explosive, including but not limited to, rags, old clothes, leather, rubber, carpets, excelsior, ashes, furniture, tin cans, glass, crockery, masonry, plastics, recyclable items and other similar items.

2.21 SALVAGE OPERATIONS. Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or material, including but not limited to metals, chemicals, shipping containers or drums.

2.22 TRADE WASTE. All solid or liquid material or rubbish resulting from construction, building operations, or the prosecution of any business, trade or industry, including but not limited to plastic products, cartons, paint, grease, oil or other petroleum products, chemicals, cinders and other forms of solid or liquid waste materials. "Trade waste" shall not include any coal refuse associated with mining or preparation of coal.

2.23 YARD AND GARDEN TRIMMINGS. Leaves (still on the branch), garden residue, tree and shrubbery trimmings and similar materials including grass clippings.

SECTION 3. RESIDENTIAL REGULATIONS

3.1 Residential Burning is allowed without a permit during the following period:
Tuesday through Friday 2:00 p.m. to 7:00 p.m.

Saturday from 12:00 p.m. to 7:00 p.m.

Burning on Sundays, Mondays and legal holidays is prohibited and no permits will be issued.

3.2 All open fires shall be maintained at least 50 feet from any structure. Contained fires shall be no closer than 15 feet.

3.3 Except for exempt fires, a *Burning Permit* is required for all burning that occurs at any time other than specified in paragraph 1. The *Burning Permit* is valid for one (1) burn only, and will require a \$10.00 administration fee.

3.4 All fires shall be attended at all times by a responsible adult with readily available means of extinguishing the fire.

3.5 Prior to the end of the permitted burning period, all fires must be extinguished thoroughly with no smoldering.

3.6 During any Fire Ban Emergency, as proclaimed by Washington County Emergency Management or the Cecil Township Board of Supervisors, no burning is permitted.

3.7 Fires shall be kindled and used only to burn readily combustible materials such as wood and wood products, tree branches, twigs, sticks, logs, and dry brush.

3.8 The Township Police Department shall be notified prior to the igniting of any fire larger than that which would be customary for the recreation of a single family.

3.9 Burning of paper and paper products must be contained per section 2.3 *Contained Fire*.

3.10 It is presumed that smoke, ashes and embers from set fires will not interfere inappropriately with adjoining property owners.

SECTION 4. LAND DEVELOPMENT REGULATIONS

4.1 Burning incidental to the Development of Land under one (1) acre is allowed without a permit as prescribed in *Section 3, Residential Regulations*.

4.2 Burning incidental to the Development of Land over one (1) acre for multi-dwelling or commercial development shall require a burning permit and be restricted to the following times, methods, permits and fees:

4.2.1 TIME: Tuesday through Friday from 7:00 am to 5:00 pm. Burning on Saturday, Sunday, Monday and legal holidays is prohibited.

4.2.2 METHOD: All fires for land development over one acre shall require the use of an air curtain destructor and shall be no closer than 300 feet to any occupied residential or commercial building. A permit from the Pennsylvania Department of Environmental Protection (DEP), if required, shall be obtained and available for inspection at the Township's request, prior to initiating any burning with this device. The Township Board of Supervisors may waive the requirement for the use of an air curtain destructor if the fire is over 800 feet from any occupied structures and/or the topography will preclude a nuisance to adjoining property owners if requested in writing by the Applicant. Should any nuisance such as heavy smoke or flying ash and debris occur to adjoining property owners, the air curtain destructor waiver shall be discontinued and the fire shall be extinguished immediately.

4.2.3 PERMIT: All fires for the purpose of land development over one acre for multi-dwelling or commercial development will require a Burning Permit. The permit shall include the name and address of the applicant, a 24 hour emergency telephone number(s) of the individual(s) responsible for the fire, and shall be posted in a readily visible area where the fire is to be kindled.

4.2.4 FEE: A fee of \$50.00 will be charged for each permit or day for a proposed burn. In addition, any permit for land development over 5 acres will require a one time deposit of \$250.00 to be held in escrow. The escrow will be returned to the applicant upon completion of the burn provided no violations of the regulations have occurred. Any violation of this part may constitute a forfeiture of said escrow.

4.3 All fires shall be attended to at all times by a responsible adult with readily available means of extinguishing the fire.

4.4 All fires must be completely extinguished by the end of the burn period and shall not be covered and left to smolder.

4.5 No burning is allowed during a Fire Ban Emergency, as proclaimed by Washington County Emergency Management or the Cecil Township Board of Supervisors.

4.6 The Township Police Department shall be notified prior to the igniting of any fire larger than that the size of a single family recreational fire.

SECTION 5. EXEMPT FIRES

5.1 Fires set in conjunction with farming operations and in compliance with the Pennsylvania Right to Farm Act No. 133 of 1982 and as amended provided no unlawful substances are being burned.

5.2 Fires set solely for recreational purposes or used only for cooking. Any such fire shall be no more than 6 feet in circumference.

5.3 Fires set to prevent or abate a fire hazard and under the supervision or set by a public officer as accepted or approved by the PaDEP.

5.4 Fires set for the purpose of instructing personnel in fire fighting.

5.5 Fires set for environmental purposes shall be permitted without obtaining a permit provided the appropriate governmental agency is directing the setting and control of the fire.

SECTION 6. UNLAWFUL SUBSTANCES AND RESTRICTED BURNING

6.1 The burning of leaves, grass clippings, garbage/refuse, household waste, commercial waste, trade waste.

6.2 The burning of construction debris, aerosol cans, by-products of manufacturing and processing operations and waste from commercial operations.

6.3 No materials of any nature, even if otherwise allowed to be burned by the provisions of this Ordinance, shall be transported from any other properties to the burn site property for burning. Pre-cut cordwood purchased or obtained pursuant to the normal and customary fashion for obtaining such wood may be utilized for recreational fires notwithstanding this provision.

6.4 Nothing herein shall be construed to permit or encourage the burning of any substance determined by the Commonwealth of Pennsylvania Department of Environmental Protection (DEP) or the United States Environmental Protection Agency (EPA) to be a "hazardous substance"; nor shall any fire be permitted to burn by any persons if such burning is in violation of the Clean Air Act or other legislation by the Commonwealth of Pennsylvania or the United States of America or any of their legislative agencies.

SECTION 7. FIRE BAN EMERGENCY

7.1 During a period of drought or other periods of high fire risk to woodlands or property within Cecil Township, the Board of Supervisors may declare a fire ban emergency in

Cecil Township with or without consultation with the fire chiefs of the volunteer fire companies operating within the Township.

7.2 Upon the Board of Supervisors declaring a fire ban emergency, all outdoor burning or fires shall be prohibited until the Board of Supervisors lifts the ban.

7.3 The Township shall cause a Notice of the fire ban emergency to be published or reported at least once in a local newspaper of general circulation. In addition, the Township may issue news releases to all communication media, including radio, television and newspapers.

SECTION 8. ENFORCEMENT

8.1 The duty and administration of this part is hereby conferred upon legally authorized Township personnel to include the Building Code Official or his assignees and the Police Department and Officers.

SECTION 9. PENALTIES

9.1 It shall be unlawful to burn, ignite, incinerate, maintain or otherwise permit the burning of any materials whatsoever without complying with the requirements of this Ordinance.

9.2 Any person who shall violate any of the provisions of this Ordinance shall, upon conviction in a summary proceeding brought in the name of the Township before a district justice in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not more than \$300.00, and the costs of prosecution, and in default of payment, to imprisonment for a term not to exceed 90 days, provided that each day's violation of any of the provisions of this Ordinance shall constitute a separate offense.

SECTION 10. REPEALER

10.1 All ordinances or parts of ordinances, which are inconsistent herewith, are hereby repealed.

SECTION 11. SEVERABILITY

11.1 If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 12. MUNICIPAL LIABILITY

12. 1 The Board of Supervisors and its agents, officials, and representatives shall not under any circumstances be liable or responsible for damages caused to any person or property by reason of the issuance of any permit under the provisions of this Ordinance, or by reason of the conduct of any burning activity in compliance or noncompliance with the terms and provisions hereof. The person, persons, company or companies responsible for any such fire and the permit holder shall bear sole liability for any damages caused as a result thereof.

BOARD OF SUPERVISORS

ATTEST: OF Cecil TOWNSHIP this 23rd day of June 2004.

Ronald J. Crown
Secretary/Manager

BY

Lillian Veres
Chairman